IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No. 6230 of 2004

Snehadeep Bahuuddeshiya Mahila
Mandal Mangalvedha.... . petitioner

vs

Govt of India and ors..respondents

Mr.P.R.Arjunwadkar for Petitioner
Mr. S.S.Sarkar for respondent no.l
Mr. P.M.Patil AGP for respondent no 2

CORAM;A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated l9.l0.2004

P C:

Heard advocates.

l. By this petition the petitioners are seeking a direction to the respondents to implement the Integrated Child Development Service Scheme at Mangalweda through non-profit organizations and to approve the petitioner’s proposal for implementing

the Integrated Child Development Service Scheme at Mangalweda. The petitioners submit that the Under Secretary, Government of India, by letter dated 23.ll.l993 communicated to all the State Governments that a decision has been taken to allocate l0% ICDS projects sanctioned during l992-93 to the registered voluntary organizations and the Central Government has also provided criteria,conditions and procedure for making applications for such organizations and procedure for their selections. According to the petitioners by a further letter dated l8.8.l994 the Central Government issued elaborate instructions regarding implementation of the ICDS projects through NGOs. The petitioners claim that since l993-94 Mangalweda was reserved by the Central Government for implementation of the said scheme through non profit organizations. When the petitioner organization came to know about the said scheme they preferred an application in the prescribed form to the Chief Officer, Zilla Parishad, Solapur in l994. No orders were however, passed on the said application. Again on 8.l0.l998 the State Government published advertisement and called for voluntary organizations for implementation of the scheme. In response to the said advertisement petitioners applied for appointing them for

implementation of the said scheme at Mangalweda. but no decision was taken on the said application. Similar advertisement was again published in 2002 and the petitioners again applied after duly complying with the requirement and requested for selection of the petitioners for implementation of the said scheme.The respondents, however failed to take any action on the various applications made by the petitioners from time to time and have decided to implement the said scheme through government agencies and not through NGOs. This according to the petitioners amounts to violation of the directions of the Central Government and therefore they are seeking direction to the State Government to implement the said scheme at Mangalweda through the petitioners.

2. On behalf of the respondent-State Government the Desk Officer, Women and Child Development department has filed a counter affidavit. In the said affidavit it is pointed out that the Central Government has taken one time decision in l993-94 earmarking l0% ICDS to tribal/ rural / urban projects it had sanctioned during l992-93 to be taken up as "exploratory Blocks" for a period of five years for action oriented research and evaluation of different types of support structure

including those of NGOs/Mahila Mandals. It is not disputed that one of the ICDS Rural projects which had been selected by the Central Government for the State of Maharashtra was Mangalwedha in Solapur district but the State has maintained that as of today there are no Standing Orders or Guidelines that l0% of the ICDS projects should be earmarked for NGOs/ Mahila Mandals. The relevant portion of the affidavit is reproduced below:

> "I state and submit that the Central Government had taken a one time decision during l993-94 to earmark l0% of th ICDS Tribal/ Rural/Urban Projects, it had sanctioned during l992-93 to be taken up as "Exploratory Blocks" for action oriented research and evaluation of different types of support structure including those NGOs/Mahila Mandals. The 3 ICDS Rural projects which had been selected by the Central Government for the State of Maharashtra were (i) Mangalwedha ICDS Rural Project in Solapur District (ii) Deolgaon Raja ICDS Rural Project in Buldhana District and (iii) Selu ICDS Rural Project in Wardha districdt which were to be operationalised as "Exploratory Block" through three

different types of support structures namely (a) Mahila Mandals (b) NGOs and (c) State Government. Therefore, there was not reservation since l993-94 for ICDS Rural Project, Mangalwedha District Solapur. Further more, it is, also submitted cthat in operationalising these 3 ICDS Rural Projects, the State Government has implemented the orders dateds 29.4.2004 of the Hon‘ble Supreme Court of India in Writ Petition No.l96 of 200l directing the Central Government and the State Gvoernment to operationalise all ICDS Tribal/ Rural/ Urban Projects by 30.6.2004. The Central Government had, also, in its direction given on 3.6.2004 had not directed that the 3 ICDS Rural Projects i.e. (i) Mangalwedha ICDS Project in Solapur District, (ii) Deolgaon Raja ICDS Project in Buldhana District and (iii) Selu Rural ICDS Project in Wardha District whcih had remained non-operational since l993-94 should be operationalised that the State Government must take immediate action to operationalise them by 30.6.2004 as per orders of the Hon‘ble Supreme Court of India in Writ Petition No.l96 of 200l dated 29.4.2004".

3. It is thus clear that the State Government has started implementation of the scheme at Mangalweda ICDS project in Solapur district as per the orders passed by the Supreme Court.It is therefore not possible to grant any relief to the petitioners in this petition. Petition is dismissed.